

# HOUSE BILL 1013

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By: **Delegates Rosenberg and Oaks**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Lead Poisoning – Primary Prevention Fund**

3 FOR the purpose of establishing a Lead Poisoning Primary Prevention Fund in the  
4 Department of the Environment; providing for the administration of the Fund;  
5 requiring the Department to use the Fund for certain purposes; requiring  
6 money distributed from the Fund to be in the form of a grant; requiring grants  
7 to be administered and distributed by a certain third party; establishing certain  
8 eligibility requirements for certain grants; requiring applicants for a grant to be  
9 ranked based on a certain order of priority; exempting the Fund from certain  
10 provisions of the State Finance and Procurement Article; requiring the  
11 Governor to include a certain appropriation in the State budget to the Fund in  
12 certain fiscal years; requiring the Department to adopt certain regulations;  
13 defining certain terms; and generally relating to lead poisoning primary  
14 prevention.

15 BY adding to

16 Article – Environment

17 Section 6–844.1

18 Annotated Code of Maryland

19 (2007 Replacement Volume and 2011 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Environment**

23 **6–844.1.**

24 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
25 **MEANINGS INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) “FUND” MEANS THE LEAD POISONING PRIMARY PREVENTION**  
2 **FUND.**

3           **(3) “OWNER AGREEMENT” MEANS AN AGREEMENT BETWEEN THE**  
4 **RECIPIENT OF A GRANT FROM THE FUND AND THE QUALIFIED INDEPENDENT**  
5 **THIRD PARTY RESPONSIBLE FOR ADMINISTERING AND DISTRIBUTING THE**  
6 **FUND SPECIFYING THE NUMBER OF YEARS THE RECIPIENT MUST RENT THE**  
7 **RECIPIENT’S RESIDENTIAL PROPERTY TO LOW-INCOME FAMILIES IN ORDER TO**  
8 **MAINTAIN ELIGIBILITY FOR THE GRANT.**

9           **(B) THERE IS A LEAD POISONING PRIMARY PREVENTION FUND IN THE**  
10 **DEPARTMENT.**

11           **(C) (1) THE DEPARTMENT SHALL USE THE FUND TO COVER THE**  
12 **COSTS OF FULFILLING THE DUTIES AND RESPONSIBILITIES OF THE**  
13 **DEPARTMENT AND THE COMMISSION UNDER THIS SUBTITLE AND FOR**  
14 **PROGRAM DEVELOPMENT OF THESE ACTIVITIES.**

15           **(2) FOR FISCAL YEARS 2014 THROUGH 2018, THE MONEY IN THE**  
16 **FUND SHALL BE DISTRIBUTED AS FOLLOWS:**

17                   **(I) \$18,000,000 FOR LEAD POISONING PRIMARY**  
18 **PREVENTION;**

19                   **(II) \$500,000 FOR LEAD POISONING PRIMARY PREVENTION**  
20 **PUBLIC EDUCATION, LEGAL SERVICES, AND COMMUNITY OUTREACH; AND**

21                   **(III) \$1,500,000 FOR THE LEAD POISONING PREVENTION**  
22 **FUND.**

23           **(3) MONEY DISTRIBUTED FROM THE FUND SHALL INCLUDE**  
24 **FUNDING FOR THE REPLACEMENT OF ALL WINDOWS CONTAINING LEAD-BASED**  
25 **PAINT.**

26           **(D) (1) (I) MONEY DISTRIBUTED FROM THE FUND SHALL BE IN**  
27 **THE FORM OF A GRANT.**

28                   **(II) THE ADMINISTRATION AND DISTRIBUTION OF GRANTS**  
29 **FROM THE FUND SHALL BE CONDUCTED BY A QUALIFIED INDEPENDENT THIRD**  
30 **PARTY.**

1           **(2) TO BE ELIGIBLE FOR A GRANT FROM THE FUND, AN**  
2 **APPLICANT SHALL, AT A MINIMUM:**

3           **(I) OWN PROPERTY CONSTRUCTED BEFORE 1978 THAT**  
4 **CONTAINS LEAD HAZARDS AS IDENTIFIED BY A LEAD RISK ASSESSMENT; AND**

5           **(II) 1. HAVE AN ANNUAL HOUSEHOLD INCOME EQUAL TO**  
6 **OR LESS THAN 80% OF THE MEDIAN INCOME FOR THE AREA; OR**

7                   **2. RENT THE PROPERTY TO AN INDIVIDUAL WITH AN**  
8 **ANNUAL HOUSEHOLD INCOME EQUAL TO OR LESS THAN 80% OF THE MEDIAN**  
9 **INCOME FOR THE AREA.**

10           **(3) APPLICANTS FOR A GRANT FROM THE FUND SHALL BE**  
11 **RANKED IN THE FOLLOWING PRIORITY FROM HIGHEST TO LOWEST:**

12           **(I) APPLICANTS WHO HAVE AN OCCUPANT THAT IS:**

13                   **1. A CHILD UNDER THE AGE OF 6 YEARS WITH A**  
14 **BLOOD LEAD LEVEL DOCUMENTED BY A TEST FOR EBL GREATER THAN OR**  
15 **EQUAL TO 5 UG/DL; OR**

16                   **2. A PREGNANT WOMAN WITH A BLOOD LEAD LEVEL**  
17 **DOCUMENTED BY A TEST FOR EBL GREATER THAN OR EQUAL TO 5 UG/DL;**

18           **(II) APPLICANTS WHO HAVE AN OCCUPANT THAT IS:**

19                   **1. A CHILD UNDER THE AGE OF 6 YEARS; OR**

20                   **2. A PREGNANT WOMAN; AND**

21           **(III) ALL REMAINING ELIGIBLE APPLICANTS.**

22           **(4) THE RECIPIENT OF A GRANT MAY NOT HAVE A REPAYMENT**  
23 **OBLIGATION IF THE RECIPIENT COMPLIES WITH THE TERMS OF THE OWNER**  
24 **AGREEMENT.**

25           **(E) (1) THE FUND IS A CONTINUING, SPECIAL, NONLAPSING FUND**  
26 **THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT**  
27 **ARTICLE.**

28           **(2) THE STATE TREASURER SHALL HOLD AND THE STATE**  
29 **COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

1           **(3) THE FUND SHALL BE INVESTED AND REINVESTED, AND ANY**  
2 **INVESTMENT EARNINGS SHALL BE PAID INTO THE FUND.**

3           **(F) FOR FISCAL YEARS 2014 THROUGH 2018, THE GOVERNOR SHALL**  
4 **INCLUDE IN THE ANNUAL BUDGET BILL A GENERAL FUND APPROPRIATION TO**  
5 **THE FUND IN AN AMOUNT NOT LESS THAN \$20,000,000 FOR EACH FISCAL YEAR.**

6           **(G) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT**  
7 **THE PROVISIONS OF THIS SECTION.**

8           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 July 1, 2012.